

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PHILLIP FUREY,  
Plaintiff,

v.

THOMSON REUTERS AMERICA  
CORPORATION, et al.,  
Defendants.

Case No. [15-cv-04633-KAW](#)

**ORDER REGARDING 8/3/16 JOINT  
DISCOVERY LETTER**

Re: Dkt. No. 45

On August 3, 2016, the parties filed a joint discovery letter regarding the order of depositions. (Joint Letter, Dkt. No. 45.) Specifically, whether Defendants are required to produce Kevin Regan, an employee with knowledge pertaining to the engagement of Plaintiff's services, prior to Plaintiff's deposition. (Joint Letter at 1.)

Defendants contend that they first requested dates for Plaintiff's deposition as early as January 2016, which Plaintiff disputes. On June 7, 2016, Plaintiff requested dates for Mr. Regan's deposition, and served a notice of deposition for Defendants' Rule 30(b)(6) corporate designee. (Joint Letter at 2.) On that same day, Defendant served a notice for deposition on Plaintiff to undergo deposition on July 12, 2016. *Id.*

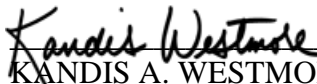
Plaintiff contends that he has "deposition priority," such that he has the right to depose Mr. Regan before he undergoes deposition. (Joint Letter at 3-4.) Plaintiff cites the Northern District Guidelines for Professional conduct, which provides that "[w]hen a deposition is scheduled and noticed by another party for the reasonably near future, a lawyer should ordinarily not schedule another deposition for an earlier date without the agreement of opposing counsel." Northern District Guidelines for Professional Conduct ¶ 9(d). As an initial matter, "deposition priority" does not exist. Second, Plaintiff does not appear to have noticed Mr. Regan's deposition, so Paragraph

9(d) does not apply.

Accordingly, as Plaintiff was properly served with a deposition notice, he is ordered to appear for deposition on August 15-17, 24, or 25, or at the earliest available date that is practicable for both parties, without regard to the date for Mr. Regan's deposition. The Court is confident that, going forward, the parties will meet and confer in good faith regarding the scheduling of other depositions and will not require further court intervention.

IT IS SO ORDERED.

Dated: August 12, 2016

  
KANDIS A. WESTMORE  
United States Magistrate Judge

United States District Court  
Northern District of California